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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,479	06/26/2003	Robert J. Smith JR.	16930-1	5653

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,479

Applicant(s)

SMITH ET AL.

Examiner

Victor MacArthur

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18, 19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 18, 19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/26/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3679

DETAILED ACTION***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The examiner agrees that claim 13 was rejected improperly in the previous office action since element (500) of Katsouros cannot be the "opening" of claim 13 because element (500) is not one of the members (100, 200 and 400) as relied upon by the examiner in the rejection of claim 1. Claim 13 has been rejected under new grounds below (e.g. the opening being 50).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bicycle seat assembly" (claim 4), "fixed component" (claim 5), "receiving member" (claim 2) and "first and second members" (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

Art Unit: 3679

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- The phrases the "bicycle seat assembly" (claim 4), "fixed component" (claim 5), "receiving member" (claim 3) and "first and second members" (claim 6) are not recited in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15, 18, 19, and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3679

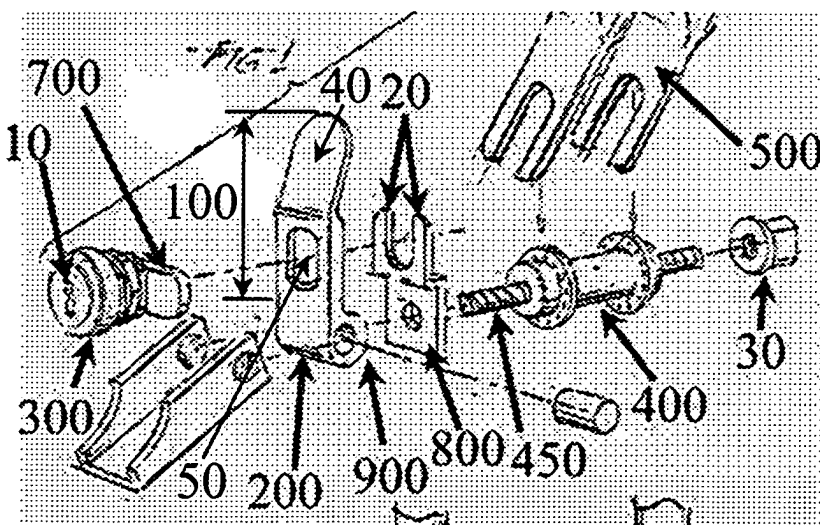
In the preamble of claim 1, the applicant claims the following terms as intended use: "bicycle seat", "fixed component", "first member" and "second member". All of these limitations are positively claimed in subsequent dependant claims. For purposes of examination, the examiner has considered claim 1 with combination.

Claim Rejections - 35 USC § 103

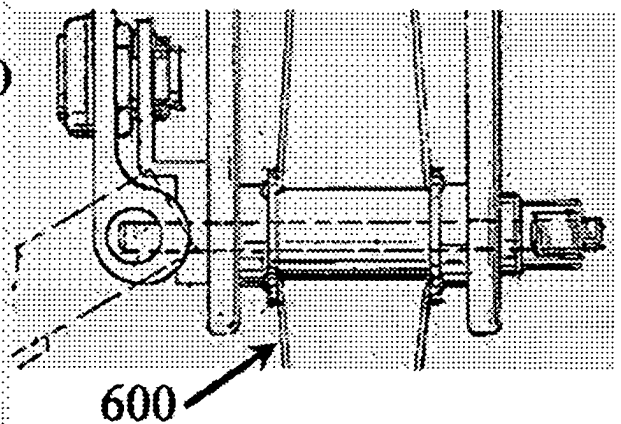
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-13, 15, 18, 19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsouros U.S. Pub.20020026816 (see marked-up figures below) in view of Chang U.S. Patent 5479836.



Marked up Fig.1



Marked-up Fig.2

Art Unit: 3679

Claim 1. Katsouros discloses a locking quick release device for lockingly affixing a removable component (500) to a fixed component (100, 200 and 400 are fixed to wheel 600), the fixed component having a first member (100, 200) and a second member (400) moveable toward and away from each other between a first position (as seen in fig.2) in which the removable component is affixed to the fixed component and a second position (seen in fig.3) in which the removable component is removable from the fixed component, said locking quick release device comprising: a lever (100, 200) having a handle end (100) and a pivot end (200), the lever being movable about the pivot end between an open position and a closed position so that movement of the lever to the closed position causes the members to move to the first position and movement of the lever to the open position causes the members to move to the second position; and a locking mechanism (300) operatively combined with the handle end of the lever to selectively prevent movement of the lever about its pivot end when the locking mechanism is actuated into a locked position. Katsouros discloses that the removable component is a set of bicycle forks (500). Katsouros does not disclose a seat post. Chang teaches (figs. 3-5, 8 and col.1-4) a removable component that is a bicycle seat assembly (B), and that a locking quick release device is attached to the bicycle seat assembly, for the purpose of securing a bicycle seat assembly against theft. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Katsouros to be used on a bicycle seat assembly, for the purpose of securing a bicycle seat assembly against theft.

Claim 2. Katsouros as modified by Chang suggests that locking mechanism has a latching mechanism (700); and a receiving member (800) is combined with the fixed component for receiving the latching mechanism to provide for locking of the lever to the fixed component and

Art Unit: 3679

thereby prevent removal of the bicycle seat assembly from the fixed component when the locking mechanism is actuated into a locked position.

Claim 3. Katsouros discloses that the receiving member is combined (in that 800 is attached to 100, 200) with the lever.

Claim 4. Katsouros as modified by Chang suggests discloses that the locking mechanism and lever are combined (via 400) with the bicycle seat assembly.

Claim 5. Katsouros discloses that the locking mechanism and lever are combined with the fixed component.

Claim 6. Katsouros discloses wherein the lever further comprises a cam surface (900) near the lever pivot end so that movement of the lever to the closed position moves the first and second members to the first position in which they are closer together, and movement of the lever to the open position moves the first and second members to the second position in which they are farther apart.

Claim 8. Katsouros discloses that the locking mechanism has a first end (near 700) and a second end (near 10) with a key slot (10) at the second end, said key slot being adapted to receive a key.

Claim 9. Katsouros discloses that the latching mechanism is turnable between a first and a second position when the key is inserted into and engaged within the key slot.

Claim 10. Katsouros discloses that the receiving member comprises a catch mechanism (20) that prevents the lever from moving to the open position when the latching mechanism is engaged in its second position and the lever is in the closed position.

Art Unit: 3679

Claim 11. Katsouros discloses that the catch mechanism is comprised of locking pins (elements 200 comprise locking pins within the broadest reasonable interpretation of the claim language).

Claim 12. Katsouros discloses a bore (receiving 450) through both the first and the second members; and a threaded member (450) having a first end (right end of 450) and a second end (left end of 450) with threads on the first end, said threaded member second end combined with the lever near the lever pivot end, said threaded member passing through the bore with said threaded member first end being threaded into one of the members so that rotation of the lever causes the threaded member to move the first and second members closer together and farther apart.

Claim 13. Katsouros discloses a bore (where 200 and 400 receive 450) through both the first and the second members; an opening (50) in one of the members; a threaded member (450) having a first end (right end of 450) and a second end (left end of 450) with threads on the first end, said threaded member second end combined (at 200) with the lever near the lever pivot end, said threaded member passing through the bore; and a thumb screw (30) threaded onto the threaded member first end so that a portion of the thumb screw extends (30 extends from right side of opening in 400) from the opening in the member, said thumb screw capable of moving the first and second members closer together and farther apart when the thumb screw is moved relative to the threaded member.

Claim 15. Katsouros discloses that the latching mechanism is a locking plate.

Claim 18. Katsouros discloses a method for locking and unlocking a removable component to a bicycle frame wherein the removable component (400, 450) is positioned

Art Unit: 3679

between two holding members (500) tightened by a movable lever (100) that includes a locking mechanism (300) that is engaged with a receiving member (20), said method comprising: inserting the removable component (400, 450) between the holding members; tightening the removable component between the holding members by moving the lever (100); moving the lever to a closed position (as seen in fig.2) wherein a portion of the locking mechanism becomes engaged with the receiving member; and operating the locking mechanism so that the lever is locked in the closed position. Katsouros discloses that the removable component is a set of bicycle forks (500). Katsouros does not disclose a bicycle seat assembly. Chang teaches (figs. 3-5, 8 and col.1-4) a removable component that is a bicycle seat assembly (B), and that a locking quick release device is attached to the bicycle seat assembly, for the purpose of securing a bicycle seat assembly against theft. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Katsouros to be used on a bicycle seat assembly, for the purpose of securing a bicycle seat assembly against theft.

Claim 19. Katsouros discloses that the locking mechanism includes a key slot (10) adapted to receive a key.

Claim 21. Katsouros as modified above suggests that the lever includes a cam surface (900) so that as the lever is moved toward the receiving member, the holding members are drawn closer together to further tighten the bicycle seat assembly in between the holding members.

Claim 22. Katsouros discloses that the lever comprises the locking mechanism (300).

Claim 23. Chang teaches that securing a bicycle seat assembly requires that the fixed component be a bicycle frame (as seen in figure 5).

Art Unit: 3679

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsouros US 2002/0026816 in view of Chang, as applied to claim 1 above, and further in view of the applicant's admitted prior art.

Claim 14. Katsouros discloses that the locking mechanism is a key lock. The applicants admitted prior art (specification, p.12) states that it is well known to replace key locks with combination locks since combination locks do not require a user to carry a key. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the locking mechanism of Katsouros to be a key lock, for the purpose of not requiring a user to carry a key.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7. Chang teaches (fig.5 and col.1-4) first and second members (upper portions of A receiving 34) combined with a collar (lower portion of A receiving B) adapted to receive the bicycle seat assembly (B), the diameter of the collar becoming smaller as a lever (21) is moved to a closed position. The combination of Katsouros and Chang requires that the receiving member (Katsouros) extend from the collar (Chang) in a first direction (some arbitrary direction). Neither Katsouros nor Chang expressly state that the first and second members extend from the collar in a direction opposite to the first direction. In view of the structural advantage (applicant's claim 7 arguments on page 8 of the paper filed on 8/2/2004) of this

Art Unit: 3679

limitation in deterring theft it would not have been obvious to combine the prior art since there is no suggestion, teaching or readily perceivable benefit that might have motivated one to do so at the time the invention was made.

Response to Arguments

Applicant's arguments with regard to the claims 1 and 13 rejections have been fully considered but they are not persuasive.

The applicant argues that the prior art does not disclose the claim 1 limitation “a locking mechanism operatively combined with the handle end of the lever...”. This is not persuasive. Katsouros discloses (as seen in the marked-up figures above) a locking mechanism (300) **operatively combined** (in that 300 and 100 are parts of a common assembly) with the handle end (100) of the lever (100, 200) (emphasis added). The applicant should note the following:

- The limitation “operatively combined with” is broad in scope and does not require “being received within” (even though Katsouros discloses this also).
- Katsouros is a handle end in as much as the applicant's element (10) is a handle end. As seen in applicant's figure 1, the applicant's own locking mechanism (18) is separated from an end boundary by a thin extension (24). The question of whether or not the applicant's thin extension (24) is shorter than the Katsouros thin extension element (40) is irrelevant since the applicant has not positively claimed any thin extension dimension.

The applicant argues that there is no “portion” of the Katsouros element 30 that is inside an opening. This is not persuasive since the limitation “is inside opening” is not recited in the

Art Unit: 3679

claims. Furthermore, the limitation "extend from an opening" does not require "being inside of the opening". Katsouros meets this limitation since (30) is adjacent to and extends from the right side of the opening in (400).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



VLM
August 18, 2004



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